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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,256	09/15/2003	John D. Reed	CS23600RL	9036

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EXAMINER

PEACHES, RANDY

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/662,256	Applicant(s) REED ET AL.	
	Examiner Randy Peaches	Art Unit 2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. ***Claims 1-5 and 8-21*** are rejected under 35 U.S.C. 102(e) as being anticipated by Vanghi (U.S. Patent Number 6,937,861 B2).

Regarding ***claims 1 and 10***, Vanghi discloses of a method in a wireless communications network, the method comprising:

- transmitting a radio resource assignment to a wireless communications device.
See column 4 lines 51-55;
- transmitting radio resource assignment time-out information to the wireless communications device. See column 7 lines 60-67,
- the radio resource assignment time-out information specifying a duration during which the radio resource assignment to the wireless communications device remains valid after the wireless communications device discontinues communication on the radio resource assigned. See column 2 lines 60-67 and

column 3 lines 1-5.

Regarding **claim 2**, according to **claim 1**, Vanghi continues to inherently disclose wherein transmitting the radio resource assignment time-out information includes transmitting at least one bit specifying one of a plurality of radio resource assignment time-out intervals to the wireless communications device. As disclosed in column 7 lines 60-67, such information regarding time-out information is included in the said system, information.

Regarding **claim 3**, according to **claim 1**, Vanghi continues to disclose transmitting the radio resource assignment and the radio resource assignment time-out information in a single message. See column 7 lines 65-67.

Regarding **claim 4**, according to **claim 1**, Vanghi continues to disclose transmitting the radio resource assignment includes transmitting a data channel assignment. See column 4 lines 19-29;

- the radio resource assignment time-out information specifying a duration during which data transmission by the wireless communications device may be discontinued on the data channel assigned without loss of the data channel assignment. See column 2 lines 60-67 and column 3 lines 1-5.

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Regarding **claim 5**, according to **claim 4**, Vanghi continues to disclose transmitting the data channel assignment and the data channel assignment time-out information in a common message. See column 7 lines 65-67.

Regarding **claim 8**, according to **claim 1**, Vanghi continues to disclose selecting the radio resource assignment duration based on at least one of reserve power of the wireless communications device and quality of service of the wireless communications device. See column 5 lines 11-21 and column 4 lines 49-55.

Regarding **claim 9**, according to **claim 1**, Vanghi continues to disclose transmitting the radio resource assignment and the radio resource assignment time-out information in response to a radio resource assignment request from the wireless communications device. See column 7 lines 65-67.

Regarding **claim 11**, according to **claim 10**, Vanghi continues to disclose receiving the radio resource assignment in response to a request. See column 4 lines 51-55,

- communicating on the radio resource assigned. See column 4 lines 51-55,
- discontinuing communication in the radio resource assigned, resuming communications on the radio resource assigned within the radio resource assignment time-out duration without requesting a new radio resource assignment. See column 8 lines 44-54.

Regarding **claim 12**, according to **claim 11**, Vanghi continues to disclose resuming communications on the radio resource assigned at a data rate not greater than a data rate occurring when the communication was discontinued. See column 9 lines 26-39.

Regarding **claim 13**, according to **claim 10**, Vanghi continues to disclose receiving the radio resource assignment in response to a request. See column 4 lines 51-55,

- communicating on the radio resource assigned. See column 4 lines 51-55,
- discontinuing communication in the radio resource assigned. See column 8 lines 44-54.
- requesting a new radio resource assignment if data communications are not resumed within the radio resource assignment time-out duration. See column 9 lines 60-67.

Regarding **claim 14**, according to **claim 10**, Vanghi continues to disclose beginning the duration when the wireless communications device discontinues communication on the radio resource assigned. See column 7 lines 39-51.

Regarding **claim 15**, according to **claim 10**, Vanghi continues to disclose receiving the radio resource assignment in response to a request. See column 4 lines 51-55,

- communicating on the radio resource assigned. See column 4 lines 51-55,

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- discontinuing communication in the radio resource assigned. See column 8 lines 44-54.
- requesting a new radio resource assignment if data communications are not resumed within the radio resource assignment time-out duration. See column 9 lines 60-67.15.
- resuming communications on the radio resource assigned within the radio resource assignment time-out duration without requesting a new radio resource assignment. See column 8 lines 44-54.

Regarding **claim 16**, according to **claim 10**, Vanghi continues to disclose selecting transmission times based on the radio resource assignment time-out information. See column 7 lines 52-60.

Regarding **claim 17**, according to **claim 10**, Vanghi continues to disclose deep fade by selecting transmission times based on the radio resource assignment time-out information. See column 7 lines 39-51.

Regarding **claim 18**, Vanghi discloses a message for transmission from a wireless communications network to a wireless communications device, the message comprising:

Vanghi continues to inherently disclose wherein transmitting the radio resource assignment time-out information includes transmitting at least one bit specifying one of

a plurality of radio resource assignment time-out intervals to the wireless communications device. As disclosed in column 7 lines 60-67, such information regarding time-out information is included in the said system, information.

Regarding **claim 19**, according to **claim 18**, Vanghi continues to disclose the at least one radio resource time-out interval bit specifying a duration during which a data channel assignment is valid after a wireless communications device to which the data channel is assigned discontinues communicating on the assigned data channel. As disclosed in column 7 lines 60-67, such information regarding time-out information is included in the said system, information.

Regarding **claim 20**, according to **claim 19**, Vanghi continues to disclose wherein a message is a radio resource assignment message including a channel assignment. See column 4 lines 51-59.

Regarding **claim 21**, according to **claim 19**, Vanghi continues to disclose the radio resource assignment message includes a data rate assignment. See column 9 lines 1-25.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 6 and 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Vanghi (U.S. Patent Number 6,937,861 B2) in view of

Regarding **claim 6**, according to **claim 1**, Vanghi discloses of a method in a wireless communications network, the method comprising:

- transmitting a radio resource assignment to a wireless communications device.
See column 4 lines 51-55;
- transmitting radio resource assignment time-out information to the wireless communications device. See column 7 lines 60-67,
- the radio resource assignment time-out information specifying a duration during which the radio resource assignment to the wireless communications device remains valid after the wireless communications device discontinues communication on the radio resource assigned. See column 2 lines 60-67 and column 3 lines 1-5.

However, Vanghi fails to clearly disclose wherein the time-out duration of the radio resource assignment to the wireless communications device is dictated in terms of frames.

Kuo et al. discloses in column 3 lines 57-64 wherein frames indicated 20ms intervals.

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Therefore it would have been obvious to one of ordinary skill in the art to modify the teachings of Vanghi and Kuo et al. in order to provide a system capable of utilizing frames to set the suspension time of communication.

Regarding **claim 7**, according to **claim 1**, Kuo et al. discloses wherein selecting the radio resource assignment time-out duration based on at least one of a wireless communications network spectrum load, which reads on claimed "network load." See column 4 lines 52-67.

Therefore it would have been obvious to one of ordinary skill in the art to modify the teachings of Vanghi and Kuo et al. in order to provide a system capable of determining the suspension time based on the load capacity of the system at a given time.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy Peaches whose telephone number is (571) 272-7914. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Randy Peaches
September 6, 2005

Marsha D Banks-Harold
MARSHA D. BANKS-HAROLD
SUPERVISORY PATENT EXAMINER
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